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BY ECF

Hon. Colleen McMahon
 United States District Court
 Southern District of New York
 500 Pearl St.
 New York, NY 10007-1312

Re: *Ryan Minett v. City of New York, et al.*, 21-cv-8161 (CM)(GWG)

Your Honor:

I write on behalf of co-counsel for Plaintiff Ryan Minett in the above matter to request that the Court (1) formally consolidate this matter for discovery purposes with the *In re: New York City Policing During Summer 2020 Demonstrations* docket at 20-cv-8924 and (2) remove the case from the 1983 Plan.

Defendants' position is as follows: "Defendants do not agree that this case should be consolidated with the Summer 2020 protest cases, as this single-plaintiff case was commenced nearly a year after the majority of the other consolidated cases, and arises out of a completely different set of circumstances, i.e. the ongoing "occupation" of City Hall, rather than a protest/march, like the other cases. Discovery will have different aspects in this matter, and will likely prolong the timeline of the other consolidated cases if it were consolidated."

Plaintiff's position is as follows: This case relates to Mr. Minett's July 3, 2020 arrest while acting as a volunteer Legal Observer for the National Lawyers Guild – New York City Chapter at a summer 2020 protest and his subsequent prosecution. The case was filed on October 1. (Dkt. No. 1). The matter was assigned to Hon. P. Kevin Castel and designated as a 1983 Plan case on October 4. Plaintiff's counsel did not file a Civil Cover Sheet (Dkt. No. 4) or Statement of Relatedness (Dkt. No. 5) until October 5, 2021. Judge Castel subsequently scheduled an initial pretrial conference for April of 2022. (Dkt. No. 9). Plaintiff's counsel then submitted an October 20, 2021 letter (Dkt. No. 10) informing Judge Castel, in pertinent part:

As stated in that Statement of Relatedness, we believe this case is related to several other cases arising from Black Lives Matter protests in the summer of 2020, which have been consolidated for discovery purposes before Hon. Colleen McMahon under the *In re: New York City Policing*

During Summer 2020 Demonstrations docket at 20-cv-8924, including *Hernandez v. City of New York, et al.*, 25-cv-7406, another lawsuit related to NYPD arrests of Legal Observers that occurred a month earlier than Mr. Minett's. To be clear, we would be pleased to prosecute this case before Your Honor. However, we do believe Mr. Minett's case is related to the Summer 2020 protest cases that are consolidated before Judge McMahon, and want to make sure the Court is aware of the potential relatedness going forward, whether the case is transferred or not.

On November 9, 2021, this case was accepted as related to *In Re: New York City Policing*, Your Honor was assigned, and Judge Gorenstein was designated as the Magistrate Judge. Plaintiff is now seeking to move the case along so that discovery can progress along with discovery in the other related cases.

Defendants' claim that this case "arises out of a completely different set of circumstances" than the other consolidated cases is bizarre. The July 3, 2020 Occupy City Hall event at which Mr. Minett was arrested is among those summer 2020 demonstrations that the parties in the consolidated cases are already conducting discovery about. Not only is the July 3, 2020 Occupy City Hall event explicitly included in case pleadings, it is also listed as Protest No. 64 on the "Schedule A" list of protest times/dates/locations around which the parties are focusing discovery. Additionally, Mr. Minett's *Monell* claims and claims for equitable relief are identical to those in *Hernandez*, the other case involving arrests of NLG-NYC Legal Observers that is already consolidated for discovery purposes with the Summer 2020 Demonstrations cases. Finally, there is nothing to support Defendants' claim that discovery in this case "will likely prolong the timeline of the other consolidated cases." That has not happened thus far as other cases have been consolidated for discovery purposes and there is no reason to believe it would happen in this case.

For the foregoing reasons, Plaintiff now asks that the Court (1) formally consolidate this matter for discovery purposes with the *In re: New York City Policing During Summer 2020 Demonstrations* docket at 20-cv-8924 and (2) remove the case from the 1983 Plan.

Thank you for your attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver